

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

---

RAFIA GROOMS, individually and as  
administratrix for the Estate of SONTOSH  
CLARKE

Plaintiff

v

BRITTON BROWN

Defendant

CIVIL ACTION

No. 10-CV-5178

---

**PLAINTIFF RAFIA GROOM'S VOIR DIRE.**

Plaintiff Rafia Grooms, by and through undersigned counsel, hereby submits the following proposed voir dire for use in jury selection for the trial of this matter:

1. The testimony, evidence, instructions from the judge, and argument of the attorneys you will hear and see in court during this trial case will be exclusively in the english language. If you are not able to understand the evidence and testimony presented you will not be able to fairly fulfill the duties of a juror. Do any of you, the prospective jurors on this civil case have any difficulty understanding the english language?

2. During this trial you will be shown photographs as well as documents. Some will be the size of a regular sheet of paper, other the size of a photo print 3x5 inches, and some exhibits will be in a larger 2 by 3 foot size. Your vision need not be perfect but serving as a juror in this case will require that you view and perhaps read things for yourself. If you cannot, you will not be able to fairly fulfill the duties of a juror in this trial.

Do any of you have any difficulty with your vision that might interfere with your ability to serve as a juror?

3. Along the same lines, as a juror in this case you a large part of your duty and job will be to listen carefully to what the Judge, the attorneys, the parties, and the witnesses have to say. The courtroom has microphones and speakers to help all hear when somebody is speaking during the trial but if you have problems to the extent where you will have difficulty hearing and understanding people speaking to you while you sit in the jury box over here, you will not be able to fairly fulfill your duty as a juror.

Do any of you have any impairment of your hearing that is likely to interfere with your ability to listen to and understand people speaking during the trial?

4. Some people suffer from significant impairments or medical conditions that make sitting, listening, concentrating and remembering things very difficult, especially for two or three hours at a time.

Do any of you have any significant impairment or medical condition that might render you unable to faithfully and fairly sit as a juror?

5. This case is expected to take 5 to 6 days to present to you. You will need to be able to get here in the morning and stay until 5pm each day of the trial. Would serving on a jury for that length of time cause severe personal hardship, not simply difficulty or inconvenience, upon any of you?

6. This is civil case as I told you, not a criminal case. The Plaintiff in this case is my client, Rafia Grooms – the Mother and Administratrix for the Estate of Sontosh Clarke who was 18 years old at the time of the incident in this case. He lived on 121 Weaver Street in Philadelphia with his Aunt. Do any of you know Rafia Grooms and her deceased Son, Sontosh Clarke, or are acquainted with their family?

7. Rafia Grooms, the Plaintiff, has in this case brought a claim against the Defendant for violation of her Son Sontosh Clarke's federal Constitutional civil rights. The Defendant in this case is a Philadelphia Police Officer named Britton Brown.

Do any of you know Defendant Britton Brown or are you acquainted with his family?

8. The main events in this case happened in the vicinity of the 900 block of East Johnson Street in Philadelphia.

Are any of you familiar with that location?

9. The incident itself happened on March 16<sup>th</sup> 2009 around 11:50 pm at the location I described a moment ago. In the incident Defendant Britton Brown fatally shot Rafia Groom's Son, Sontosh Clarke.

Do any of you know anything about this case or think that you know anything about it?

10. Have any of you served on a jury before?

11. Now, my next question is one which you need to consider very seriously and carefully. Each of you has individual life experiences and beliefs that are unique to you and known best by you. None of the parties, and none of you would want to have yourself and/or your case decided not on the basis of the evidence presented in Court but rather based upon somebody else's bias or preconceived notions.

You've heard this is a civil case involving an incident in which 18 year old Sontosh Clarke was fatally shot by Defendant Britton Brown. It happened while Defendant Britton Brown was going to arrest him. Sontosh Clarke was unarmed at the time of the shooting. You know where it happened and when. You know that Rafia Grooms is claiming that the Defendant Britton Brown violated her Son, Sontosh Clarke's Constitutional civil rights by shooting and killing him. The Defendant Britton Brown denies these allegations. He was working as police officers at the time it happened. You can see the parties here.

Is there anything in the past experience of any of you, that you believe or know, would have a

favorable or have an adverse effect on your ability to sit as an impartial and fair juror in this type of case, with these parties? Put to you otherwise, is there any reason you believe you will not be able to sit on a jury for this case and decide it on the evidence you hear in Court and the instructions that the Judge provides to you and not based upon your any preconceived beliefs or bias you have?

12. Have any of you had a friend or a family member killed by another person?

13. Have you or an immediate member of your family or close friend ever made or filed a complaint about the conduct of the police?

14. Have you or any member of your family had a gun pointed at you or them by police?

15. Have you or any member of your family or a close friend ever been subjected to the use of physical force by police?

16. Have you, a member of your family, or a close friend ever been employed in law enforcement?

17. Do any of you feel that you, a member of your family, or a close friend was unfairly treated by officers from the Philadelphia Police Department or any police department or government agency?

18. Have you or anyone in your family or a close friend ever brought a claim or court case for injuries suffered?

19. Have you or anyone in your family or a close friend ever brought a claim, complaint, or a court case for violation of your civil rights as an American citizen under our Constitution?

20. Do any of you know of any reason why you think that you could not sit as a juror in this case and render a just, fair, honest and impartial verdict to the parties here based upon the evidence,

testimony and judge's instructions you receive during the trial?

21. The attorneys who will put on this case are Armando Brigandi and Matthew Hubbard from the City of Philadelphia's Law Department. They are for the defense and represent the Defendant Britton Brown. Representing the Plaintiff will be myself – John N. Rightmyer and my friend and colleague Albert Michell, both attorneys in private practice based in Philadelphia. Does anyone know us - the attorneys in this case or anyone who works with any of us?

22. Beyond the parties to this case who will testify before you, there will be a few witnesses who you might hear testify in Court during the trial. Do any of you know any of these possible witnesses:

PO Edmiston

PO Lupo

PO Lee

PO Lt. Merrick

PO Hummel

Dr. Gulino, MD – Chief Medical Examiner for the City of Philadelphia

PO Trenwith # 6298 (Crime Scene Unit PPD)

PO Detective Baker # 0612 (Homicide Unit PPD)

PO Lt. Prendergast (IAD assigned to shooting)

PO Lt. Nolan (IAD)

PO Lt. McDonald (IAD)

Gamal Emira (PPD Forensic Scientist)

Deanna Ferriola (PPD Forensic Scientist)

Lynn Haimowitz (PPD Forensic Scientist)

Gary Barach, CPA, CFE, CFF, CVA

23. Do any of you have close family members or close friends who are lawyers, judges, or work for lawyers or in any part of our court system?

24. Is there any one of you who cannot promise to follow the law as the Court gives it to you even though your own ideas may be entirely different from what is given to you by the judge as the instructions for deciding this case?

25. If you are selected to sit as a juror in this case, you will be told not to decide the case on the basis of any sympathy for the parties, but rather, to decide the case and render a verdict to the parties solely on the evidence introduced at trial and the instructions that the Judge will give you concerning the law that applies. Do you each promise to do what will be asked of you in that regard should you sit on the jury for this case?

LAW OFFICE OF JOHN N. RIGHTMYER

Dated: 3/13/2013

BY: /s/ jnr8215

John Rightmyer, Esquire

Id. No.: #73199

30 Rex Avenue

Philadelphia, PA 19118

(215) 248-7580

[jrightmyer.esq@gmail.com](mailto:jrightmyer.esq@gmail.com)

Counsel for Rafia Grooms, Administratrix for  
the Estate of Sontosh Clarke